

CONCLUSION

N.J.A.C. 4A:4-2.6(a) (Eligibility for promotional examination) states, in pertinent part, that applicants for promotional examinations shall, by the application filing date, meet the criteria of having one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

N.J.A.C. 4A:4-1.10(c) provides that the Civil Service Commission (Commission) may order a retroactive appointment date due to an administrative error, administrative delay or other good cause.

The underlying purpose of “time in grade” requirements, as reflected at *N.J.A.C.* 4A:4-2.6(a)1, is to promote and advance those individuals, who through their service, have gained the needed experience and knowledge to warrant promotion. Thus, absent administrative error or delay, any award of retroactive seniority that includes, as an additional remedy, the right to sit for a promotional examination without having the actual “time-in-grade” in the title to which the examination is open would undermine this important public policy.

In the instant matter, the appellant was correctly found ineligible for the subject examination for failure to meet the announced time-in-grade requirements. Specifically, on March 17, 2020, Agency Services notified all appointing authorities that, due to the current circumstances surrounding the COVID-19 pandemic, effective Wednesday, March 18, 2020, and until further notice no further certifications will be issued. Agency Services then sent an email to Cinnaminson Fire District on May 11, 2020 requesting that they ask for a certification for Fire Lieutenant (PM1072V), which it immediately provided. Subsequently, the appellant was the sole appointee from the certification (PL1200503).

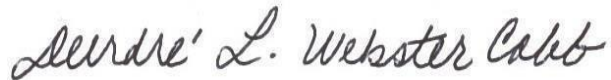
Thus, through no fault of the appellant’s nor the appointing authority, the issuance of the certification was delayed. Agency Services discontinued services from March 17, 2020 and the appellant was serving as a Fire Lieutenant from April 21, 2020 forward. Additionally, the appointing authority promptly requested a certification as soon as it was notified that it could do so, on May 11, 2020, and did not delay or otherwise neglect the appointment process. Under these circumstances, good cause exists to backdate the certification (PL1200503) to April 21, 2020 and provide the appellant a regular appointment date to Fire Lieutenant retroactive to April 21, 2020. As a result, the appellant has over one year of time in grade in the title to which the examination is open, Fire Lieutenant, as of the April 30, 2021 closing date. Thus, he should be admitted to the Fire Captain (PM2322C), Cinnaminson examination. This decision shall not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, the appellant be admitted to the examination, his official record be corrected, and the date of the certification (PL1200503) be changed to April 21, 2020.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MAY, 2021



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